

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

THOMAS R. LANGSTON,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:14-cv-00763-MJR-PMF
)	
UNION PACIFIC RAILROAD)	
COMPANY, a corporation,)	
)	
Defendant.)	

COMPLAINT AND JURY DEMAND

Comes now the Plaintiff, THOMAS R. LANGSTON, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendant, UNION PACIFIC RAILROAD COMPANY, a corporation, states as follows:

JURISDICTION

1. Plaintiff asserts jurisdiction pursuant to 45 United States Code, Section 51-60, the Federal Employers' Liability Act.

ALLEGATIONS

2. That at all times mentioned herein, the Defendant, UNION PACIFIC RAILROAD COMPANY, was a common carrier by rail engaged in interstate business in the various states of the United States including the Southern District, State of Illinois.

3. That at all times mentioned herein, the Plaintiff, THOMAS R. LANGSTON, was employed by the Defendant, UNION PACIFIC RAILROAD COMPANY, as a trackman/machine operator.

4. That at all times mentioned herein, the Plaintiff, THOMAS R. LANGSTON, was engaged in his duties on behalf of the Defendant, UNION PACIFIC RAILROAD COMPANY, a common carrier by rail engaged in interstate commerce and by reason thereof, their mutual and respective rights and liabilities were governed by a certain Act of Congress known as the Federal Employers' Liability Act, 45 United States Code, Section 51-60.

5. That on or about July 6, 2012, at or near Fults, Illinois, Plaintiff, THOMAS R. LANGSTON, was injured when he was a passenger on a hy-rail truck that collided with a backhoe while working for the Defendant, UNION PACIFIC RAILROAD COMPANY.

6. That at said time and place, the Defendant, UNION PACIFIC RAILROAD COMPANY, by and through its agents and employees, was guilty of one or more of the following negligent acts or omissions, to-wit:

- a. Negligently and carelessly through its employees failed to stop its equipment prior to colliding; and/or
- b. Negligently and carelessly through its employees caused a collision between the truck and backhoe; and/or
- c. Provided a machine that leaked oil; and/or
- d. Negligently and carelessly failed to provide a reasonably safe place to work; and/or
- e. Negligently and carelessly failed to provide safe methods of work; and/or
- f. Failed to provide safe and suitable tools and equipment to perform the task assigned; and/or
- g. Failed to furnish Plaintiff with reasonably necessary and proper equipment with which to perform his assigned duties; and/or

- h. Failed to warn Plaintiff of reasonably foreseeable hazardous conditions existing with Defendant's equipment; and/or
- i. Allowed unsafe practices to become the standard practice; and/or
- j. In assigning Plaintiff work which Defendant knew or, in the exercise of reasonable care, should have known would result in injury to Plaintiff.

7. That as a result, in whole or in part, of one or more of the aforementioned negligent acts or omissions of the Defendant, UNION PACIFIC RAILROAD COMPANY, the Plaintiff, THOMAS R. LANGSTON, sustained severe and permanent injuries to his head, neck, back, spine and body, all of which have and will cause him to suffer great pain and mental anguish; that he has and will lose money and earnings he would otherwise have been entitled to; that his earning capacity has been greatly diminished; and further, he has and will be obligated for sums of money as medical expenses and as a result of his injuries and all to his damage.

WHEREFORE, Plaintiff, THOMAS R. LANGSTON, prays judgment against the Defendant, UNION PACIFIC RAILROAD COMPANY, in a sum in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), and for costs of suit.

THOMAS R. LANGSTON, Plaintiff

PRATT & TOBIN, P.C.

PLAINTIFF DEMANDS
TRIAL BY JURY.

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